



APPLICATION ACCEPTED: November 6, 2009  
DATE OF PUBLIC HEARING: January 27, 2010  
TIME: 9:00 a.m.

## County of Fairfax, Virginia

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January 20, 2010

### STAFF REPORT

**SPECIAL PERMIT APPLICATION No. SP 2009-BR-103**

### BRADDOCK DISTRICT

**APPLICANTS & OWNERS:** Karl & Carol Stiller

**ZONING:** R-3 (Cluster)

**LOCATION:** 10714 John Turley Place

**SUBDIVISION:** Middleridge

**ZONING ORDINANCE PROVISION:** 8-922

**TAX MAP:** 77-1 ((6)) 365

**LOT SIZE:** 8,500 Square Feet

**SP PROPOSAL:** Reduction of certain yard requirements to permit construction of addition 18.9 feet from the rear lot line.

**STAFF RECOMMENDATION:** Staff recommends approval of SP 2009-BR-103 for the addition subject to the proposed development conditions contained in Appendix 1.

It should be noted that it is not the intent of staff to recommend that the Board, in adopting any conditions, relieve the applicant/owner from compliance with provisions of any applicable ordinances, regulations, or adopted standards.

It should be further noted that the content of this report reflects the analysis and recommendations of staff; it does not reflect the position of the Board of Zoning Appeals. A copy of the BZA's Resolution setting forth this decision will be mailed within five (5) days after the decision becomes final.

*O:\Scaff2\Case Files\Special Permits\SP 2009-BR-103 KARL AND CAROL STILLER\STILLER\_Cover.doc*

Shannon Caffee

Excellence \* Innovation \* Stewardship  
Integrity \* Teamwork \* Public Service

Department of Planning and Zoning  
Zoning Evaluation Division  
12055 Government Center Parkway, Suite 801  
Fairfax, Virginia 22035-5509  
Phone 703-324-1290 FAX 703-324-3924  
[www.fairfaxcounty.gov/dpz/](http://www.fairfaxcounty.gov/dpz/)



The approval of this special permit does not interfere with, abrogate or annul any easement, covenants, or other agreements between parties, as they may apply to the property subject to this application.

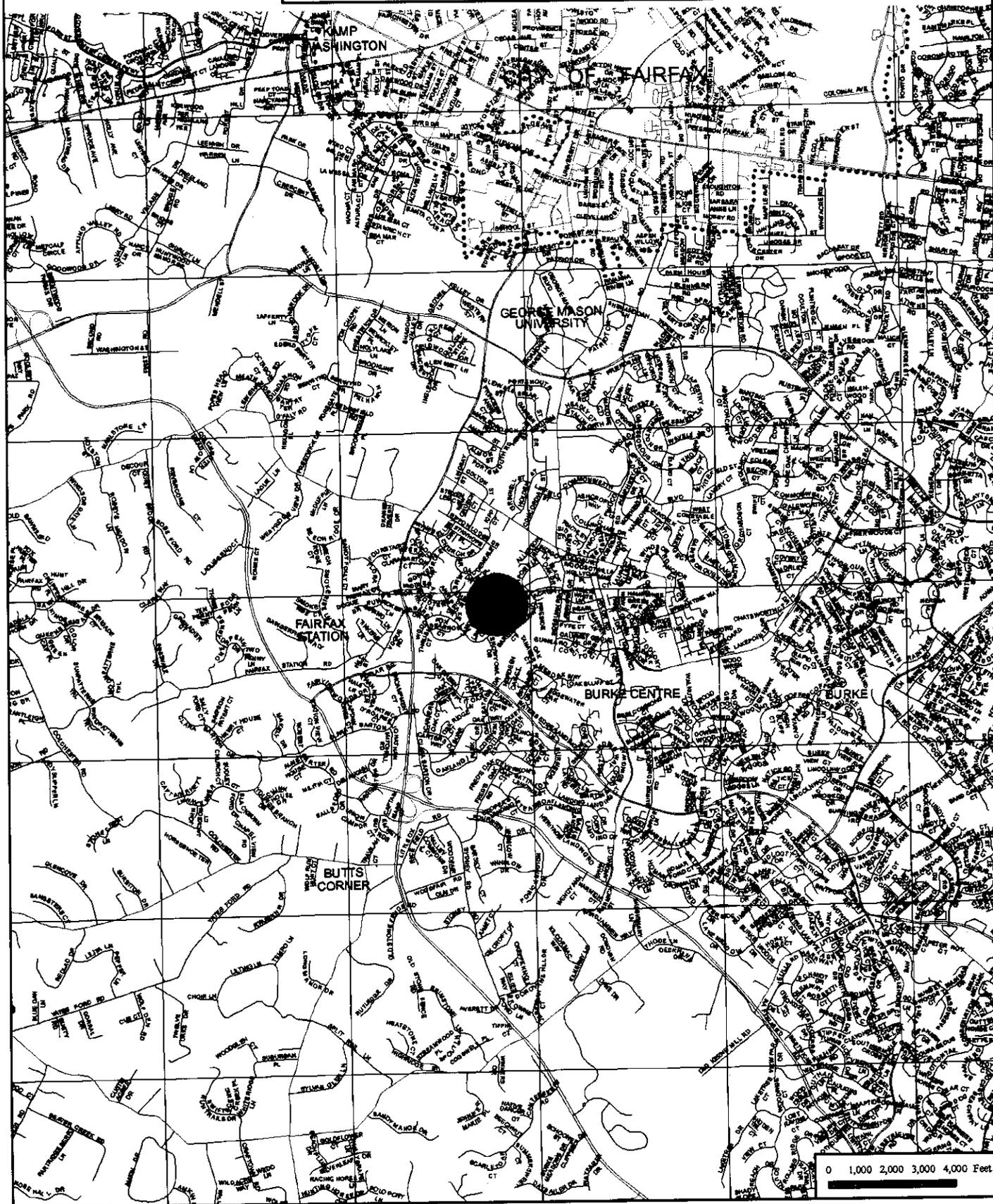
For additional information, call Zoning Evaluation Division, Department of Planning and Zoning at 324-1280, 12055 Government Center Parkway, Suite 801, Fairfax, Virginia 22035. **Board of Zoning Appeals' meetings are held in the Board Room, Ground Level, Government Center Building, 12000 Government Center Parkway, Fairfax, Virginia 22035-5505.**



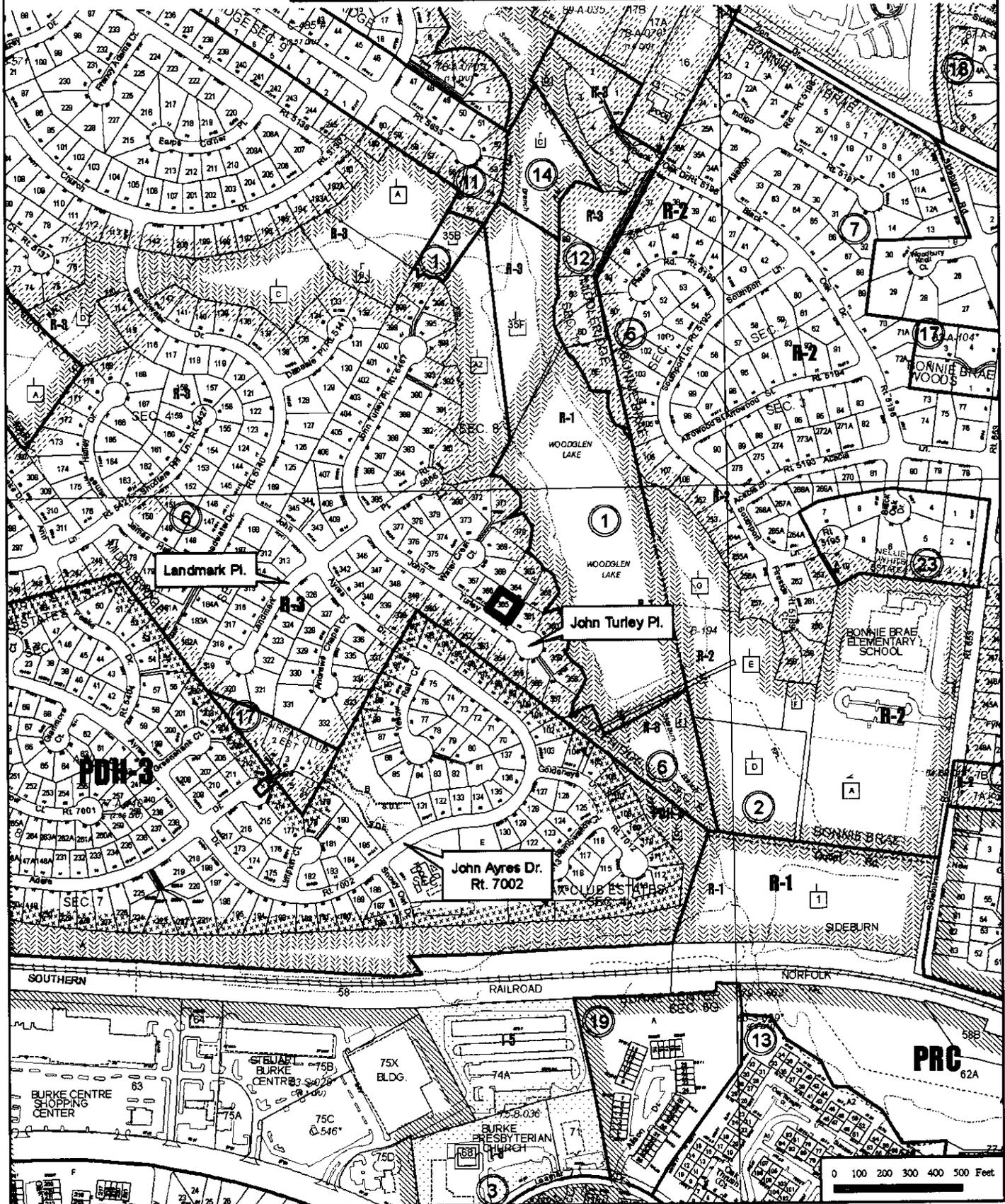
Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 7 days advance notice. For additional information on ADA call (703) 324-1334 or TTY 711 (Virginia Relay Center).

**Special Permit  
SP 2009-BR-103**

**KARL & CAROL STILLER**



**Special Permit**  
**SP 2009-BR-103**  
**KARL & CAROL STILLER**



NOTE: COPYRIGHT SCARTZ SURVEYS - THIS IS A SERVICE DOCUMENT AND IS VALID FOR SIX MONTHS FROM DATE ISSUED. THIS SURVEY WAS PERFORMED ACCORDING TO THE STANDARDS SET FORTH IN VIRGINIA CODE SECTION 54.1-407.

1. TAX MAP 077-01-06-0365
2. PROPERTY SHOWN HEREON IS ZONED: R-3C (R-3 W/CLUSTER DEV.)
3. MINIMUM YARD REQUIREMENTS IN ZONE R-3C  
FRONT: 20'  
SIDE: 8', BUT A TOTAL MINIMUM OF 20'  
REAR: 25'
4. PROPERTY IS SERVED BY PUBLIC WATER AND SEWER
5. THE PROPERTY SHOWN HEREON IS LOCATED IN FLOOD ZONE "X" AS PER INSURANCE RATE MAP COMMUNITY PANEL NUMBER 515525 0075 D EFFECTIVE DATE, MARCH 5, 1990.
6. THE RECORD PLAT DOES NOT SHOW ANY UTILITY EASEMENTS HAVING A WIDTH OF TWENTY-FIVE (25) FEET OR MORE EFFECTING THIS PROPERTY.
7. ELEVATION DATUM IS ASSUMED.
8. FLOOR AREA  
EXISTING GROSS FLOOR AREA HOUSE 2,170 SQ. FT.  
EXISTING GROSS FLOOR AREA GARAGE 420 SQ. FT.  
EXISTING GROSS FLOOR AREA PORCH 312 SQ. FT.  
PROPOSED GROSS FLOOR AREA DECK 88 SQ. FT.  
TOTAL FLOOR AREA 2,990 SQ. FT.  
PROPOSED FLOOR AREA RATIO: 0.35

**HEIGHT TABLE**

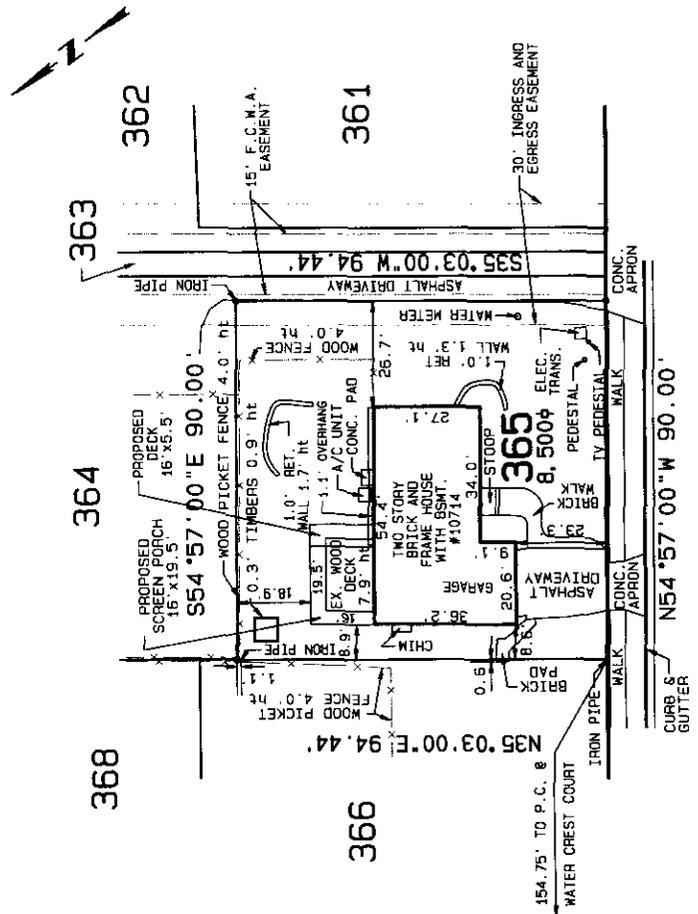
EXISTING HOUSE IS	24.7'
PROPOSED SCREEN PORCH	22.0'



CASE NAME: STILLER  
NO TITLE REPORT FURNISHED.  
PLAT SUBJECT TO RESTRICTIONS & EASEMENTS OF RECORD OR OTHERWISE.  
FENCE LOCATIONS, IF SHOWN, ARE APPROXIMATE ONLY  
AND DO NOT CERTIFY AS TO OWNERSHIP.

**SCARTZ SURVEYS**  
LARRY N. SCARTZ SURVEYOR  
MIDDLEBURGH, VIRGINIA  
LOCAL (703) 494-4181  
FAX (703) 494-3939  
LARRY.SCARTZ@SCARTZ.COM

TAX MAP # 077-1-06-0365 JOB# 20091527-SPP DSE



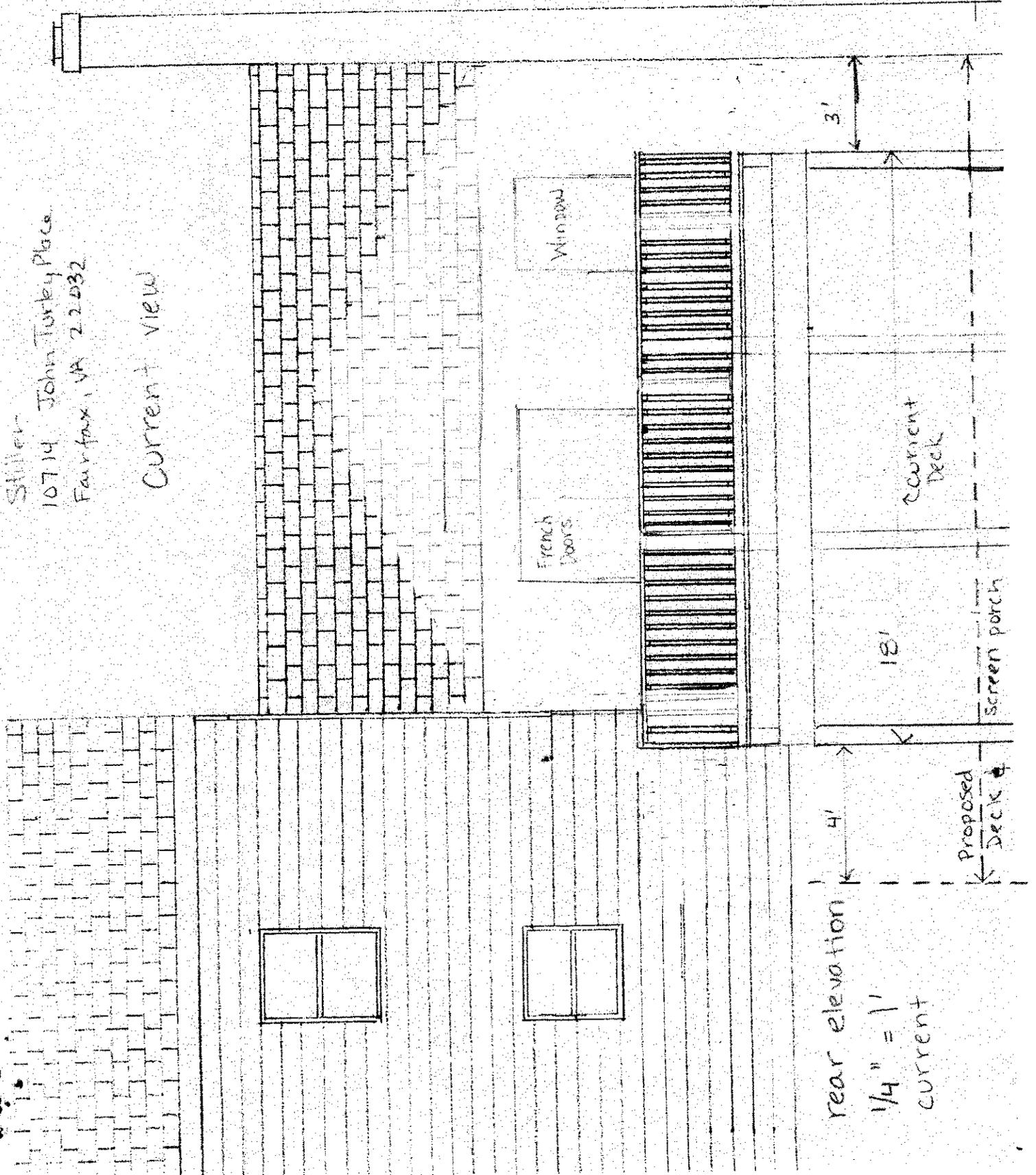
**JOHN TURLEY PLACE**  
VARIABLE WIDTH R/W

**SPECIAL PERMIT PLAT**  
LOT 365, SECTION 8  
**MIDDLEBURGH**  
BRADDOCK MAGISTERIAL DISTRICT  
FAIRFAX COUNTY, VIRGINIA  
SCALE: 1"=30' DATE: AUGUST 21, 2009



Stiller  
10714 John Turkey Place  
Fairfax, VA 22032

Current view



rear elevation

1/4" = 1'  
current

4'

18'

3'

Window

French Doors

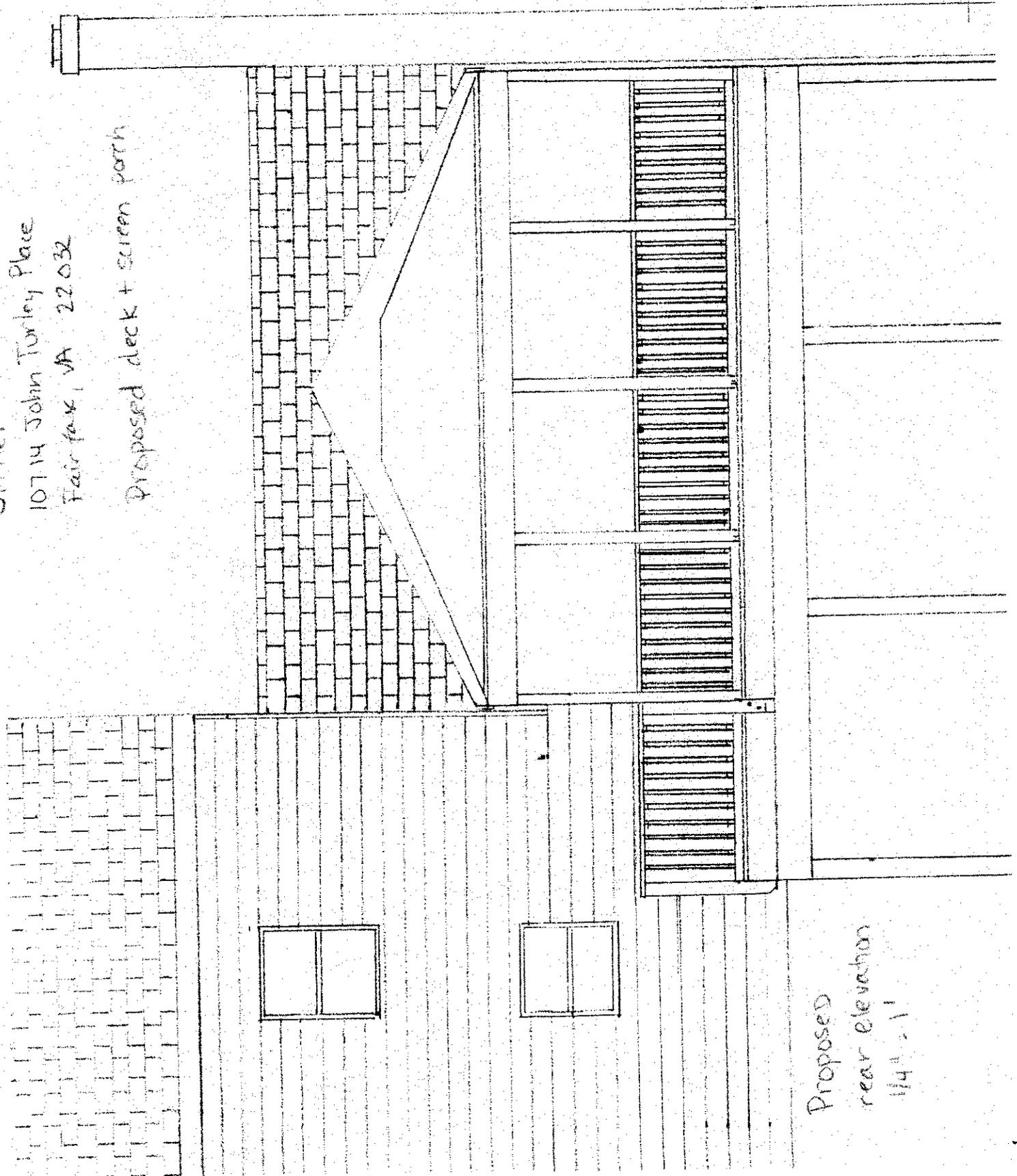
Current Deck

Screen porch

Proposed Deck

Stiller  
10714 John Turley Place  
Fairfax, VA 22032

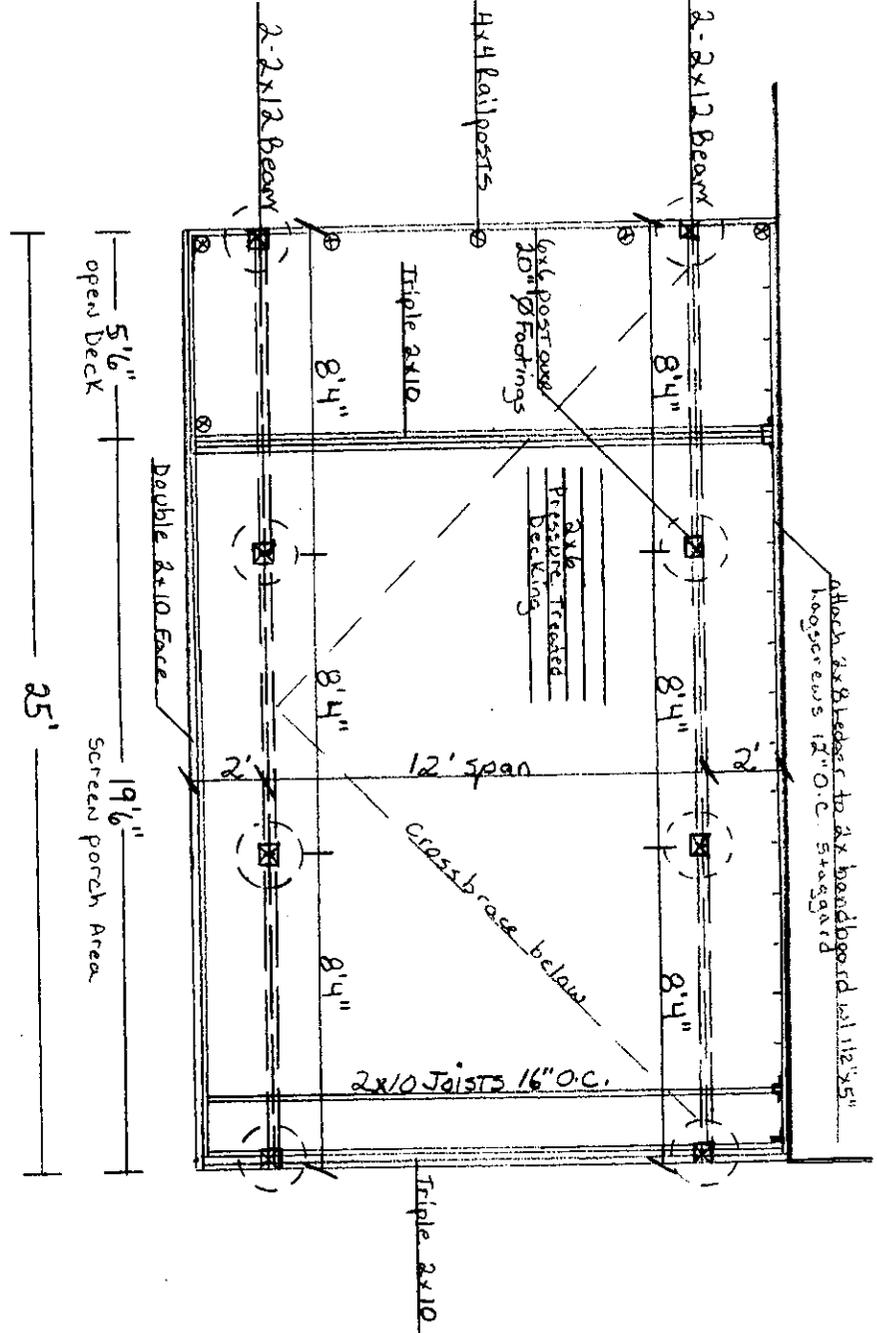
Proposed deck + screen porch



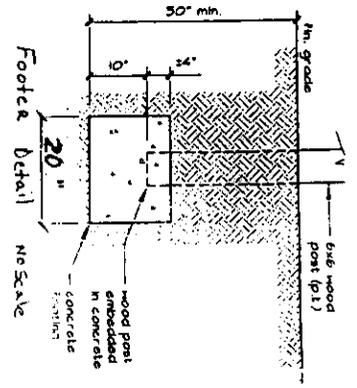
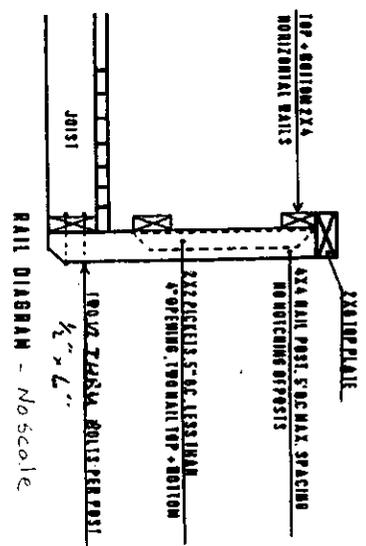
Proposed  
rear elevation  
1/4" = 1'

Screen 19'6"

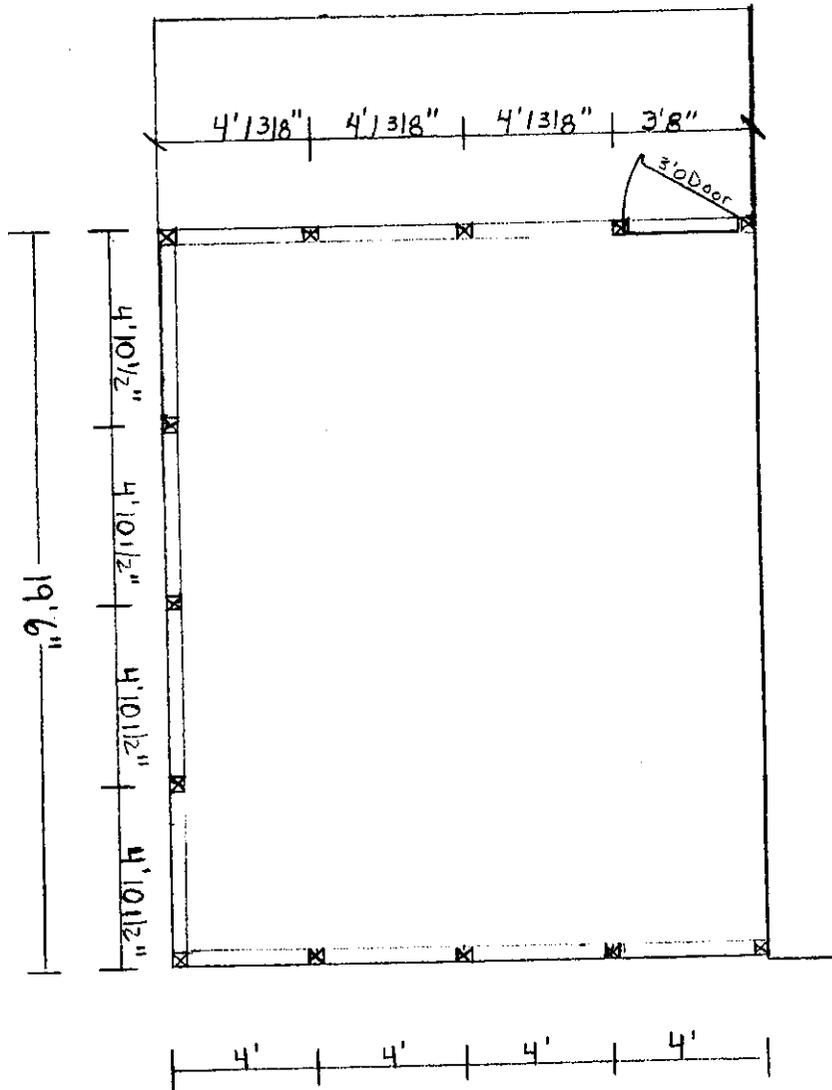
16' x 19'6" Screen Porch and 16' x 5'6" Deck per Plans



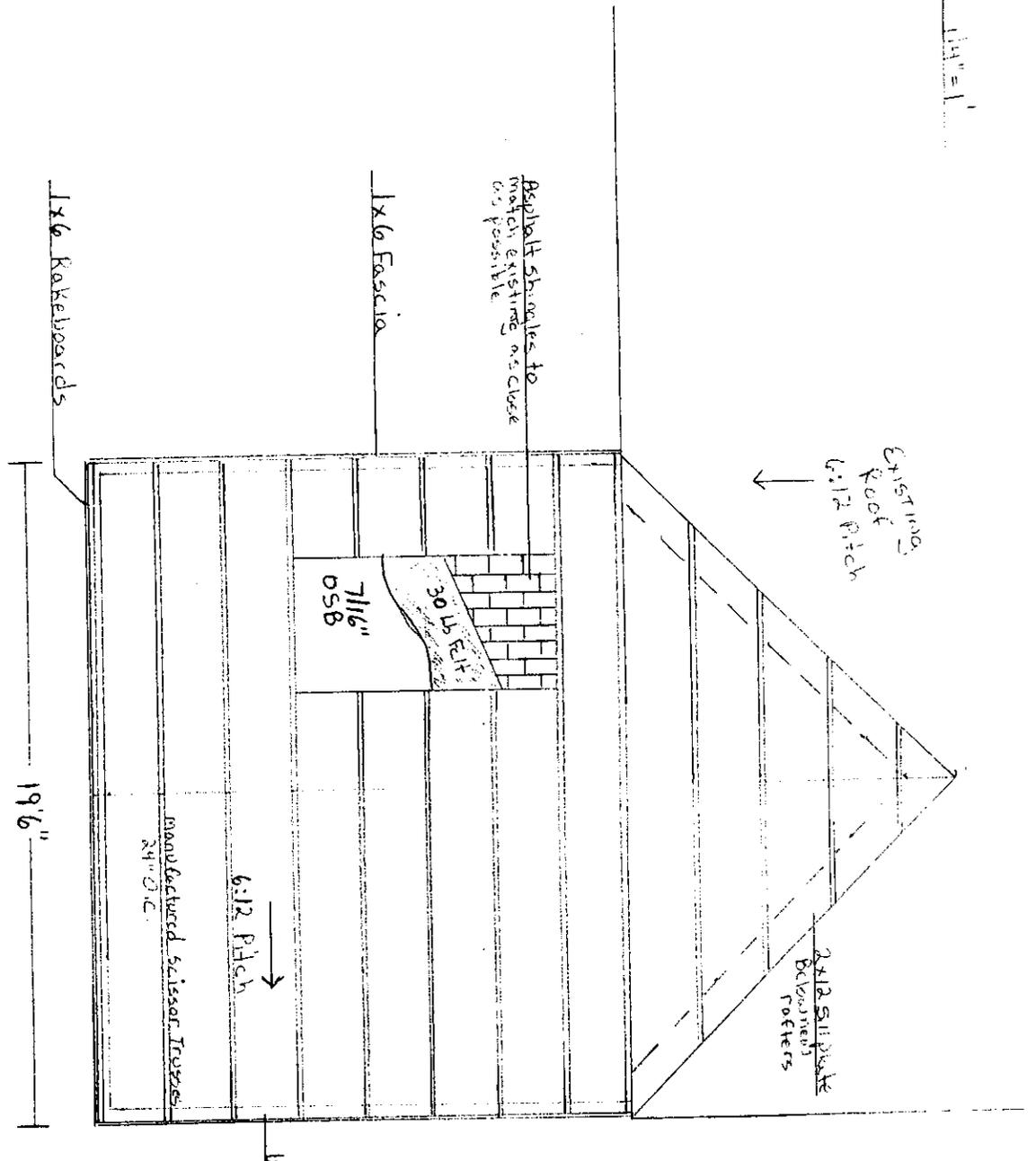
Floor Framing Plan - All Materials - Pressure Treated



Wall post - layout - 4x4



Scale 1/4" = 1'



2x12 Sill Plate  
Bolted  
Joists

30 LPS 2x12  
7 1/2" OSB

Asphalt Shingles to  
match existing as close  
as possible

1x6 Fascia

1x6 Rakeboards

6:12 Pitch

Manufactured Scissor Trusses  
24" O.C.

19'6"

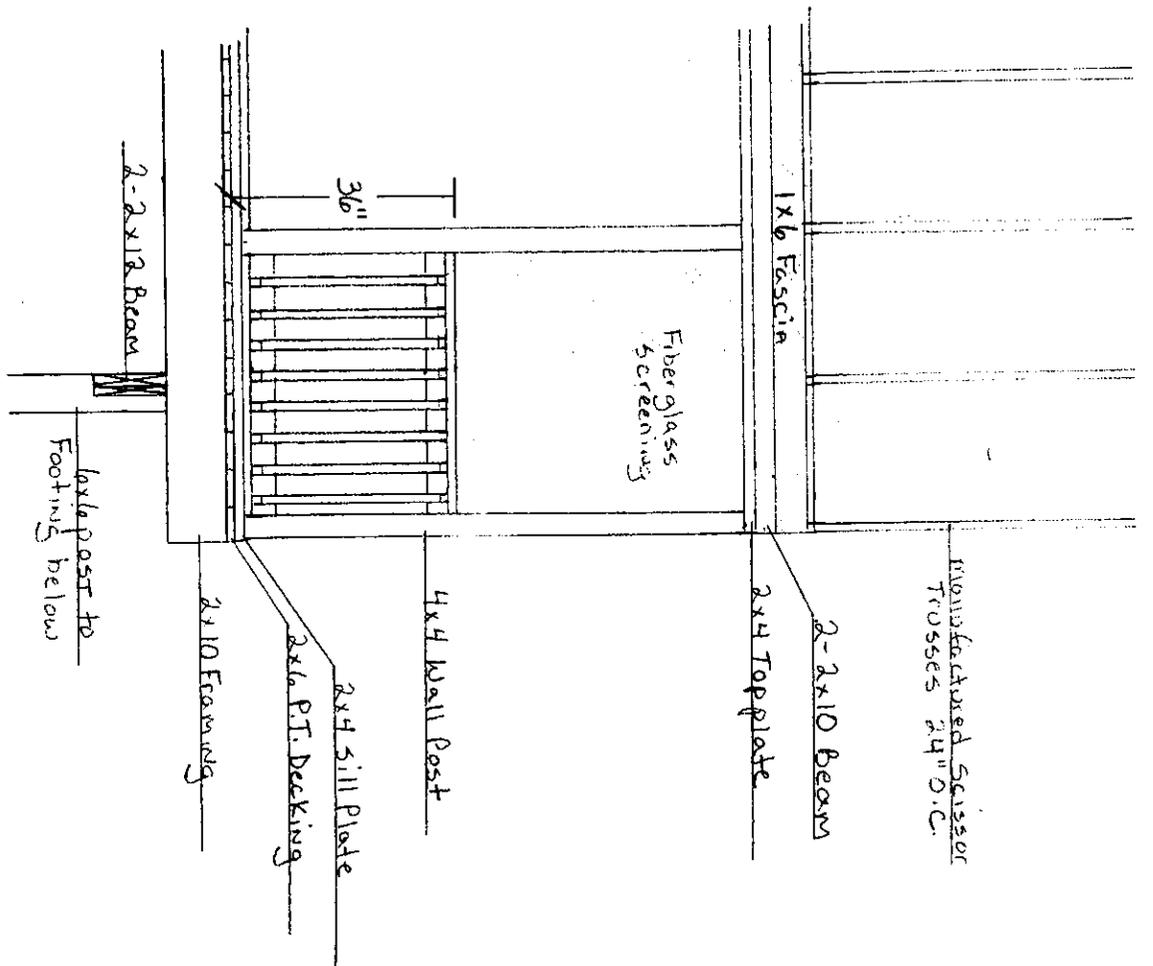
Wall below

9'9"

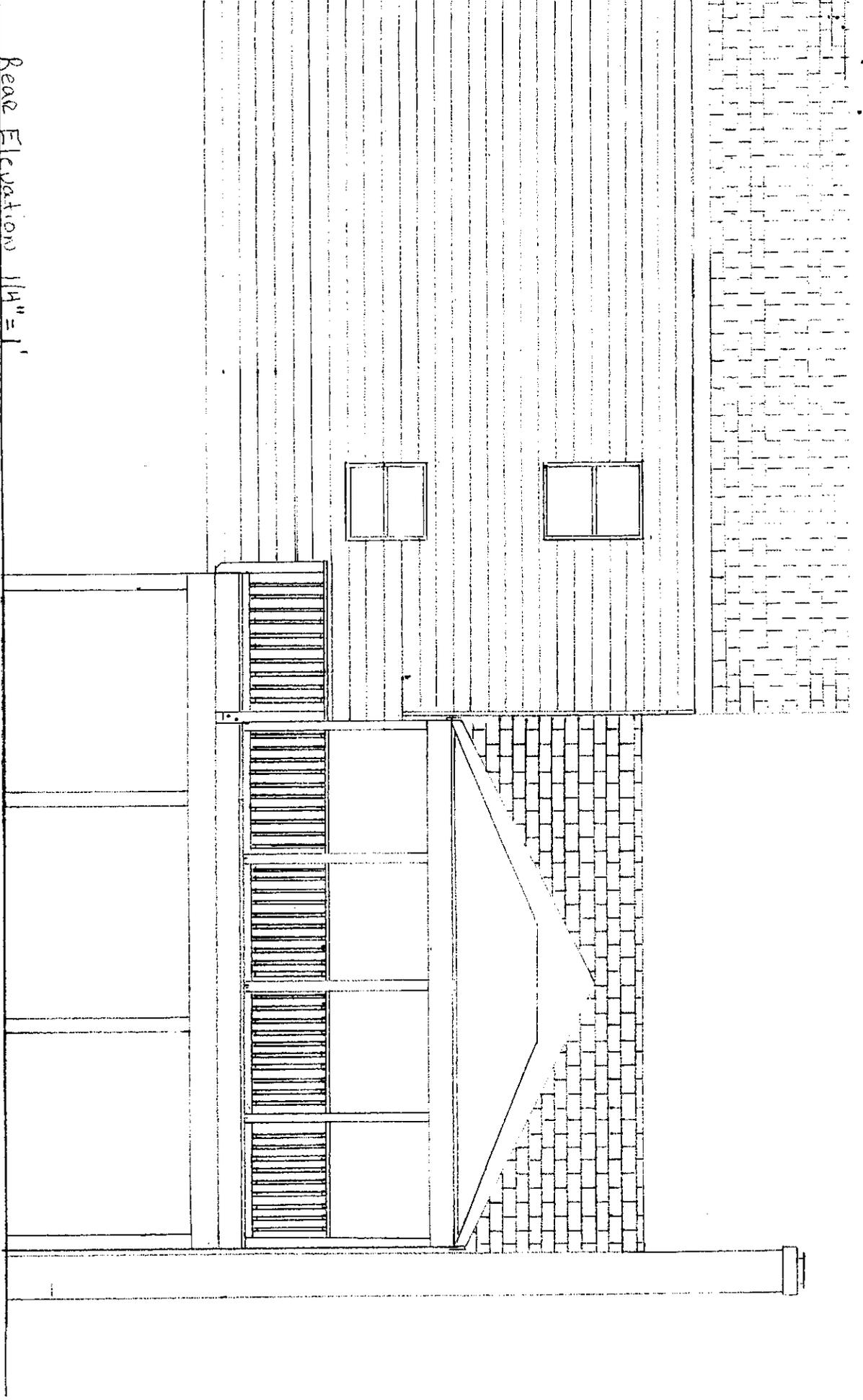
1'6"

Roof Layout - Scissor Trusses 24" O.C.

Scale 1/2" = 1'



Rear Elevation 1/4" = 1'



**DESCRIPTION OF THE APPLICATION**

The applicant seeks approval of a special permit for a reduction of certain yard requirements to permit construction of a screened porch and deck in the back yard extending 16 feet from the house and 19 feet from the back lot line.

RECEIVED  
Department of Planning & Zoning  
AUG 27 2009  
Zoning Evaluation Division

All PHOTOS FROM August 16, 2009 – Due to the vegetation, some pictures were taken from further distances:

1. Backyard view (roughly center along backline) of 10714 John Turley Pl. deck.



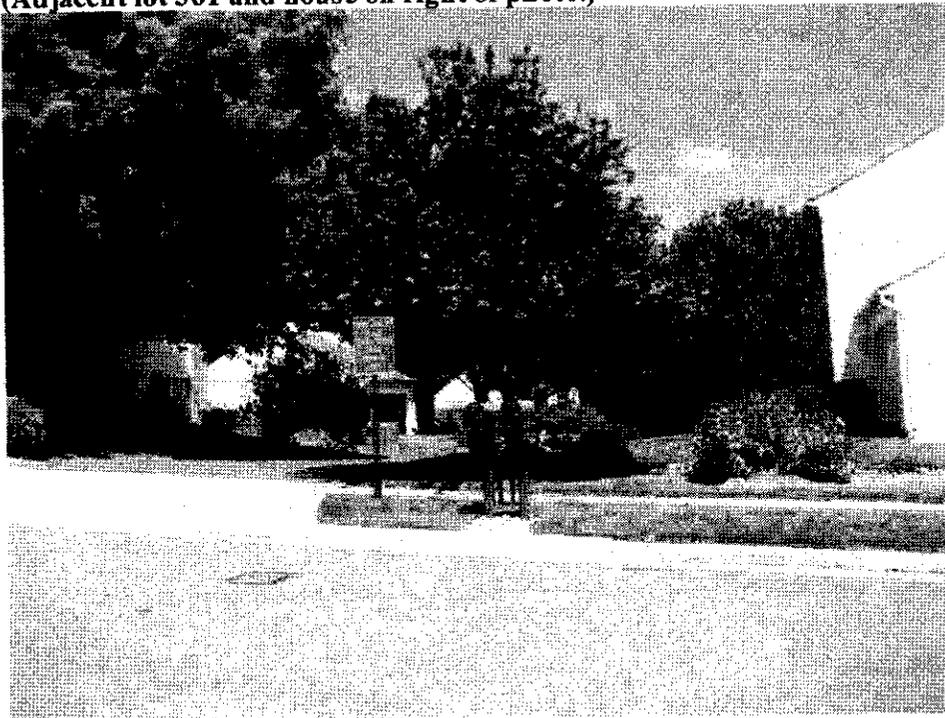
2. East corner backyard view towards deck of 10714 John Turley Pl.



3. Side view of 10714 John Turley Place (on left) and lot 364 (on right) from across private driveway (pipe stem). (View from front of lot 361)



- 4a. View of Southeast side of 10714 John Turley Pl (left building) from intersection of private drive (pipe stem) and the street (John Turley Place). (Adjacent lot 361 and house on right of photo.)



**4b. View of front and side within property line (in front of bushes) on southeast corner of 10714 John Turley Place.**



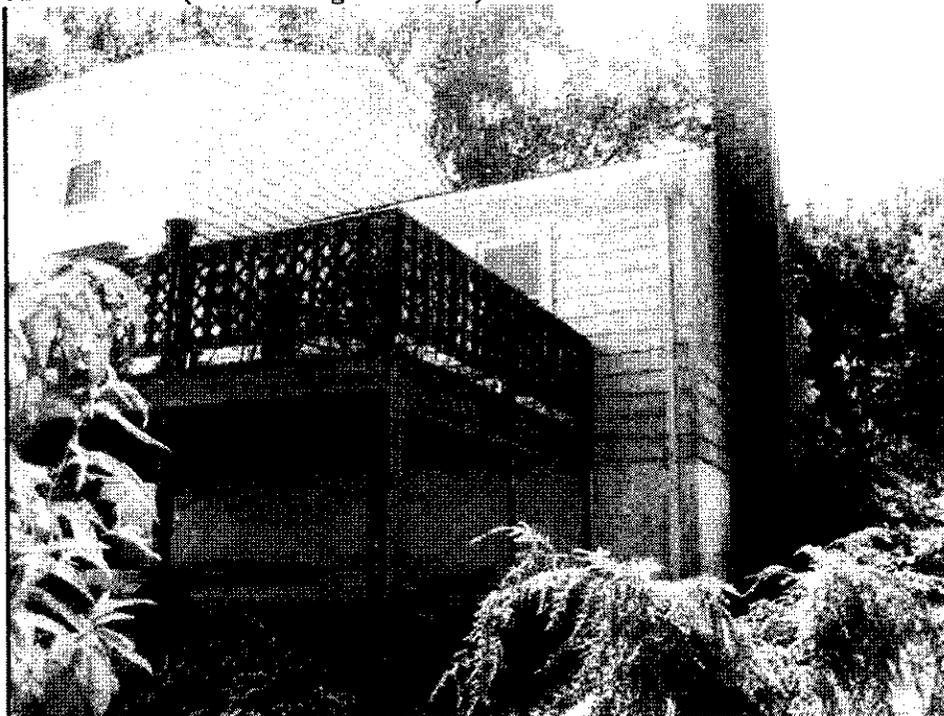
**5a. From front yard of 10714 John Turley Place.**



7b. From Western side yard (adjacent to lot 366) of 10714 John Turley Pl towards back yard (and neighbor's home on lot 364).



8. North corner of backyard view towards 10714 John Turley Place with current deck. (In front of garden box)



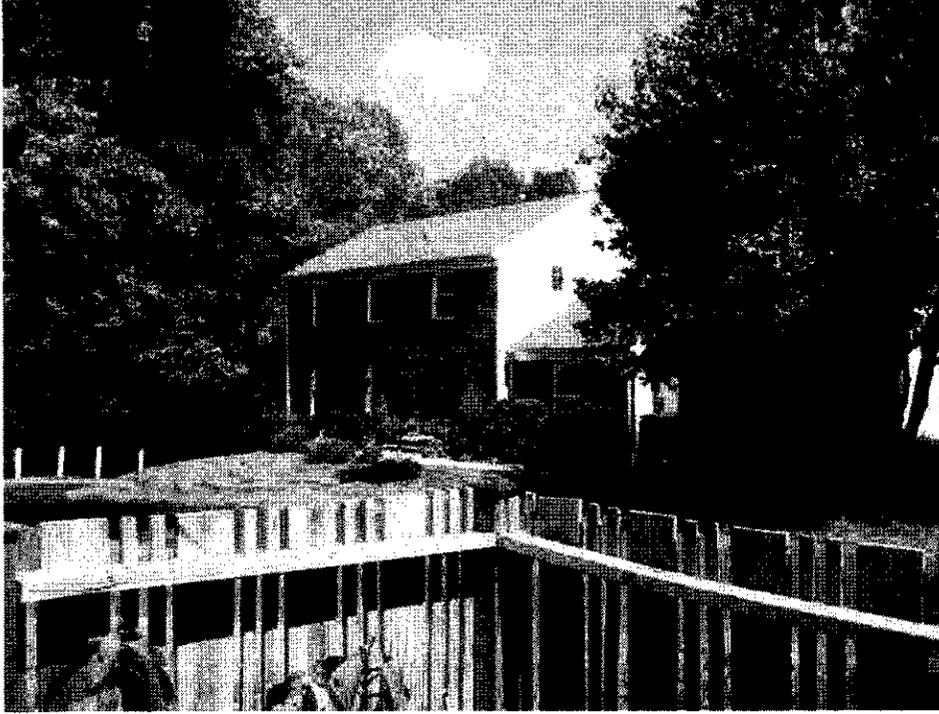
9a. Backyard view of abutting lot 364 (taken from existing deck).



9b. Backyard view of abutting lot 364 (taken from ground level).



**10a. View from Southeast backyard corner of 10714 John Turley Place across private driveway (pipe stem) towards lot 362.**



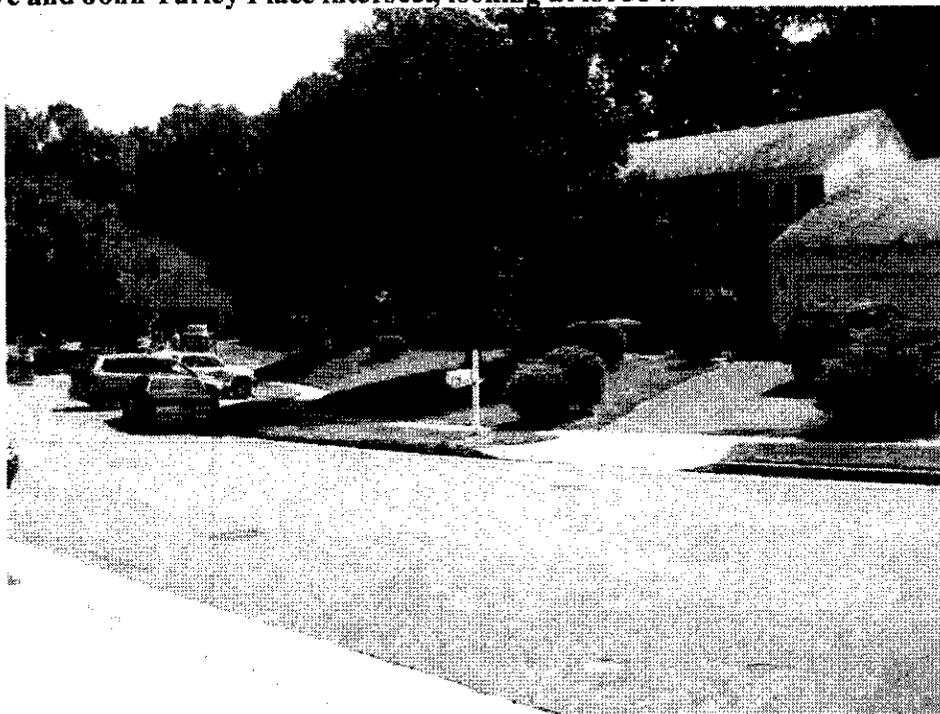
**10b. View from Southeast backyard corner of 10714 John Turley Place across private driveway (pipe stem) towards garage of lot 362 (left), lot 360 (backyard enclosed deck showing), and front of house on lot 361 (right).**



11. View from Southeast side of 10714 John Turley Place towards lot 361.



12. View from Southeast side of 10714 John Turley Place from where the private drive and John Turley Place intersect, looking at lot 354.



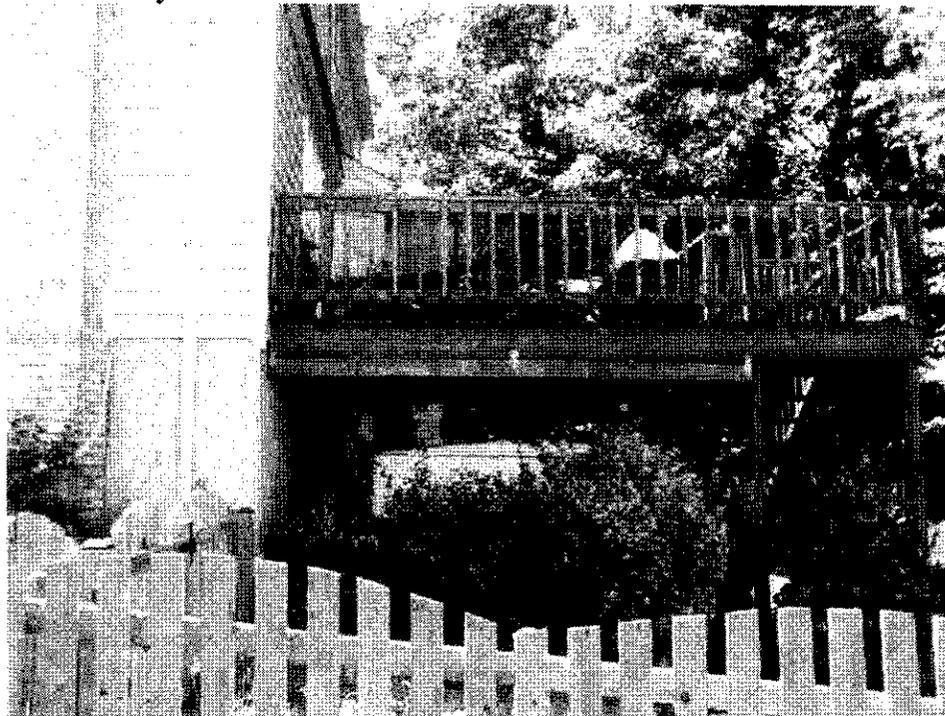
13. View from front yard of 10714 John Turley Place across street towards lot 353.



14. View from front yard of 10714 John Turley Place across street towards westward towards lot 352 and 351.



**15. Northwest view of adjacent lot 366 backyard deck from backyard of 10714 John Turley Place.**



**16. North view of lot 368 from corner of backyard of 10714 John Turley Place.**



**DESCRIPTION OF THE APPLICATION**

The applicant seeks approval of a special permit for a reduction of certain yard requirements to permit construction of a screened porch addition 18.9 feet from the rear lot line.

	<b>Structure</b>	<b>Yard</b>	<b>Min. Yard Required*</b>	<b>Proposed Location</b>	<b>Proposed Reduction</b>	<b>Percent of Reduction Requested</b>
<b>Special Permit</b>	Addition	Rear	25 feet	18.9 feet	6.1 feet	24.4 %

\* Minimum yard requirement per Section 3-307

**LOCATION AND CHARACTER**

**Existing Site Description**

The site is currently zoned R-3 cluster and contains a two story with basement single-family detached dwelling which was originally constructed in 1981. The lot consists of 8,500 square feet and is surrounded by single family detached homes on all sides. There is a slight change in topography from the front towards the back of the house allowing the basement to be partially exposed at the rear. There are also mature trees in the front yard which will not be affected by the proposed construction. To the east of the property is Woodglen Lake and the subject property is just outside of the floodplain.

**Character of the Area**

	<b>Zoning</b>	<b>Use</b>
<b>North</b>	R-3	Single Family Detached Dwellings
<b>West</b>	R-3	Single Family Detached Dwellings
<b>East</b>	R-3	Single Family Detached Dwellings & Woodglen Lake
<b>South</b>	R-3	Single Family Detached Dwellings

**BACKGROUND**

The Board of Zoning Appeals (BZA) has heard no similar cases in the vicinity of the property.

## ANALYSIS OF SPECIAL PERMIT APPLICATION

- **Title of SP Plat:** Special Permit Plat, Lot 365, Section 8, Middleridge
- **Prepared By:** Larry N. Scartz, Scartz Surveys, dated August 21, 2009

### Proposal

The applicant proposes to construct a screen porch and a deck over an existing wood deck. The footprint of the proposed screen porch will be approximately 16 feet by 19.5 feet (312 square feet in size) and the deck portion to the east of the screen porch will be 16 feet by 5.5 feet (88 square feet in size) for a total of 400 square feet. The deck portion is permitted by-right and does not require special permit approval since it is proposed to be open below. The height of the screen porch is proposed at 22 feet and the height of the existing dwelling is 24.7 feet. Since the basement level is almost completely exposed at the rear of the dwelling where the proposed screen porch and deck is to be located, it has the appearance of being two stories in height. However, the structure will only be one story and remain open below.

### ZONING ORDINANCE REQUIREMENTS (See Appendix 4)

- General Special Permit Standards (Sect. 8-006)
- Group 9 Standards (Sect. 8-903)
- Provisions for Reduction of Certain Yard Requirements (Sect. 8-922)

#### Sect. 8-006 General Special Permit Standards

Staff believes that the application meets all of the 8 General Special Permit Standards with notes regarding standard 3.

General Standard 3 requires that the proposed uses be harmonious with and not adversely affect the use or development of neighboring properties in accordance with the applicable zoning district regulations and the adopted comprehensive plan. *Staff believes that the special permit application satisfies this condition based the fact that there is a minimal extension further into the rear yard than what currently exists. The screen porch is proposed to be constructed over an existing deck. Therefore, staff believes the application meets this provision.*

#### Sect. 8-922 Provisions for Reduction of Certain Yard Requirements

This special permit application must satisfy all of the provisions contained in Sect. 8-922, Provisions for Reduction of Certain Yard Requirements. Standards 1, 2, 3, 11 and 12 relate to submission requirements and were satisfied at the time of submission. Standard 5 relates to accessory structures, which does not apply to this application and Standard 10 allows the BZA to impose development conditions. Staff believes that the application has met all the remaining standards, specifically Standards 4, 6, 7, 8, and 9.

*Standard 4 states that the resulting gross floor area of an addition to an existing principal structure may be up to 150 percent of the total gross floor area of the principal*

structure that existed at the time of the first yard reduction request. In such instance, if a portion of the principal structure is to be removed; no more than fifty (50) percent of the gross floor area of the existing principal structure at the time of the first yard

reduction shall be removed. *The existing structure is 2,590 square feet. Therefore 150% of the total gross floor area could result in an addition up to 3,885 square feet; which makes a combined total of 6,475 square feet. The proposed addition will be 312 square feet in size for a total of 2,902 square feet for the existing house and addition. Therefore the application meets this provision.*

*Standard 6 states that the BZA shall determine that the proposed development will be in character with the existing on-site development in terms of the location, height, bulk and scale of the existing structure(s) on the lot. The proposed screened porch addition will extend on the footprint of an existing deck and is proposed at a height of 22 feet and to be only 312 square feet in size. The existing single family detached dwelling is 24.7 feet in height and 2,590 square feet in size; therefore the proposed screen porch addition will be in character with existing on-site development in terms of height and bulk respectively. The proposed screen porch will be constructed with materials similar to the existing dwelling. Staff believes the proposed addition will not be out of character with existing on-site development and meets this provision.*

*Standard 7 states that the BZA shall determine that the proposed development is harmonious with the surrounding off-site uses and structures in terms of location, height, bulk and scale of surrounding structures, topography, existing vegetation and the preservation of significant trees as determined by the director. The proposed addition will not adversely affect the neighboring properties due to the small size and scope. Minimal land disturbance shall take place because of its location on an existing deck. Mature trees are present in the front yard of the property and will not be harmed by the proposed construction. Staff believes this condition is satisfied.*

*Standard 8 states that the BZA shall determine that the proposed development shall not adversely impact the use and/or enjoyment of any adjacent property with regard to issues such as noise, light, air, safety, erosion, and stormwater runoff. No downstream complaints have been indicated by DPWES and there is minimal increase of impervious area due to the proposed addition being constructed over an existing deck. The posts of the existing deck must be relocated further out to accommodate the extension of the proposed screen porch. Given that the proposed addition will not be much larger than what is existing and is small in overall size, staff believes that the proposed addition shall not have any adverse impact on neighboring properties.*

*Standard 9 states that the BZA shall determine that the proposed reduction represents the minimum amount of reduction necessary to accommodate the proposed structure on the lot. Specific factors to be considered include, but are not limited to, the layout of the existing structure; availability of alternate locations for the addition; orientation of the structure(s) on the lot; shape of the lot and the associated yard designations on the lot; environmental characteristics of the site, including presence of steep slopes, floodplains and/or Resource Protection areas; preservation of existing vegetation and significant trees as determined by the Director; location of a well and/or septic field; location of easements; and/or preservation of historic resources. Since the proposed addition is extending only slightly further into the minimum required rear yard than what currently*

*exists, staff believes this proposed screened porch is a minimal addition. While there is a potential alternate location for a screened porch on the eastern side of the house, it would also require special permit approval and would not be replacing an existing deck. Therefore, staff believes the application satisfies this provision.*

## **CONCLUSION**

Staff believes that the subject application for the addition is in conformance with the applicable Zoning Ordinance provisions with the implementation of the Proposed Development Conditions contained in Appendix 1 of the staff report.

## **RECOMMENDATION**

Staff recommends approval of special permit application SP 2009-BR-103 for the addition subject to the proposed development conditions contained in Appendix 1 of the staff report.

If it is the intent of the BZA to approve this application, Staff recommends the BZA condition its approval by requiring conformance with the conditions set forth in Appendix 1 of this report, Proposed Development Conditions.

The approval of this special permit does not interfere with, abrogate or annul any easement, covenants, or other agreements between parties, as they may apply to the property subject to this application.

## **APPENDICES**

1. Proposed Development Conditions
2. Applicant's Affidavit
3. Applicant's Statement of Justification
4. Zoning Ordinance Provisions

**PROPOSED DEVELOPMENT CONDITIONS****SP 2009-BR-103****January 20, 2010**

If it is the intent of the Board of Zoning Appeals to approve SP 2009-BR-103 located at Tax Map Number 77-1 ((6)) 365 (10714 John Turley Place), to permit reduction of certain yard requirements pursuant to 8-922 of the Fairfax County Zoning Ordinance, staff recommends the Board condition the approval by requiring conformance with the following development conditions.

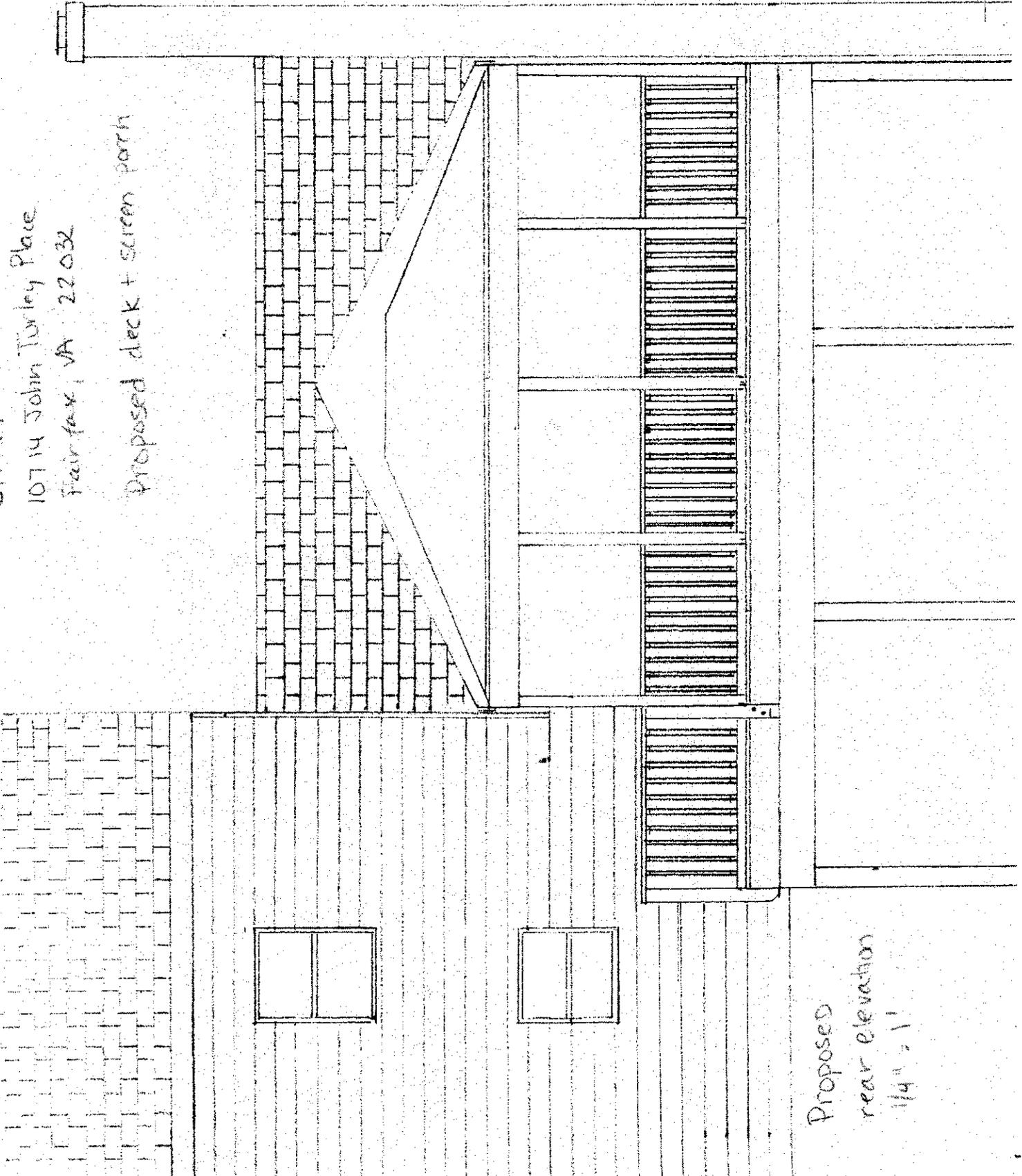
1. These conditions shall be recorded by the applicant among the land record of Fairfax County for this lot prior to the issuance of a building permit. A certified copy of the recordation shall be provided to the Zoning Permit Review Branch, Department of Planning and Zoning.
2. This special permit is approved for the location and size of a proposed screen porch addition as shown on the plat prepared by Larry N. Scartz, Scartz Surveys, dated August 21, 2009, submitted with this application and is not transferable to other land.
3. Pursuant to Provision 4 of Section 8-922 of the Zoning Ordinance, the resulting gross floor area of the existing principal structures may be up to 150 percent of the gross floor area of the dwelling that existed at the time of the first expansion (2,590 square feet existing + 3,885 (150%) = 6,475 permitted) regardless of whether such addition complies with the minimum yard requirement or is the subject of a subsequent yard reduction, special permit or variance. Notwithstanding the definition of gross floor area as set forth in the Ordinance, the gross floor area of a single family dwelling for the purpose of this paragraph shall be deemed to include the floor area of any attached garage. Subsequent additions that meet minimum yard requirements shall be permitted without an amendment to this special permit.
4. The addition shall be consistent with the architectural renderings and materials depicted on the plat and included in Attachment 1 to these conditions.

This approval, contingent upon the above-noted conditions, shall not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations or adopted standards.

Pursuant to Sect. 8-015 of the Zoning Ordinance, this special permit shall automatically expire, without notice, thirty (30) months after the date of approval unless construction has commenced and been diligently prosecuted. The Board of Zoning Appeals may grant additional time to commence construction if a written request for additional time is filed with the Zoning Administrator prior to the date of expiration of the special permit. The request must specify the amount of additional time requested, the basis for the amount of time requested and an explanation of why additional time is required.

Stiller  
10714 John Torley Place  
Fairfax, VA 22032

Proposed deck + screen porch



Proposed  
rear elevation  
1/4" = 1'

Application No.(s): SP 2009-BR-103  
(county-assigned application number(s), to be entered by County Staff)

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: 8/26/2009  
(enter date affidavit is notarized)

I, Karl & Carol Stiller, do hereby state that I am an  
(enter name of applicant or authorized agent)

(check one)  applicant 105792  
 applicant's authorized agent listed in Par. 1(a) below

and that, to the best of my knowledge and belief, the following is true:

1(a). The following constitutes a listing of the names and addresses of all **APPLICANTS, TITLE OWNERS, CONTRACT PURCHASERS, and LESSEES** of the land described in the application,\* and, if any of the foregoing is a **TRUSTEE,\*\*** each **BENEFICIARY** of such trust, and all **ATTORNEYS** and **REAL ESTATE BROKERS**, and all **AGENTS** who have acted on behalf of any of the foregoing with respect to the application:

**(NOTE:** All relationships to the application listed above in **BOLD** print must be disclosed. Multiple relationships may be listed together, e.g., **Attorney/Agent, Contract Purchaser/Lessee, Applicant/Title Owner**, etc. For a multiparcel application, list the Tax Map Number(s) of the parcel(s) for each owner(s) in the Relationship column.)

NAME (enter first name, middle initial, and last name)	ADDRESS (enter number, street, city, state, and zip code)	RELATIONSHIP(S) (enter applicable relationships listed in <b>BOLD</b> above)
Karl J. Stiller	10714 John Turkey Place Fairfax, VA 22032	applicant / owner
Carol Q. Stiller	"	applicant / owner

(check if applicable)  There are more relationships to be listed and Par. 1(a) is continued on a "Special Permit/Variance Attachment to Par. 1(a)" form.

\* In the case of a condominium, the title owner, contract purchaser, or lessee of 10% or more of the units in the condominium.  
\*\* List as follows: Name of trustee, Trustee for (name of trust, if applicable), for the benefit of: (state name of each beneficiary).

Application No.(s): SP 2009-BR-103  
(county-assigned application number(s), to be entered by County Staff)

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: 8/26/2009  
(enter date affidavit is notarized)

105792

1(b). The following constitutes a listing\*\*\* of the **SHAREHOLDERS** of all corporations disclosed in this affidavit who own 10% or more of any class of stock issued by said corporation, and where such corporation has 10 or less shareholders, a listing of all of the shareholders:

**(NOTE: Include SOLE PROPRIETORSHIPS, LIMITED LIABILITY COMPANIES, and REAL ESTATE INVESTMENT TRUSTS herein.)**

**CORPORATION INFORMATION**

**NAME & ADDRESS OF CORPORATION:** (enter complete name, number, street, city, state, and zip code)

**DESCRIPTION OF CORPORATION:** (check one statement)

- There are 10 or less shareholders, and all of the shareholders are listed below.
- There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

**NAMES OF SHAREHOLDERS:** (enter first name, middle initial, and last name)

N/A

(check if applicable)  There is more corporation information and Par. 1(b) is continued on a "Special Permit/Variance Attachment 1(b)" form.

\*\*\* All listings which include partnerships, corporations, or trusts, to include the names of beneficiaries, must be broken down successively until (a) only individual persons are listed or (b) the listing for a corporation having more than 10 shareholders has no shareholder owning 10% or more of any class of stock. *In the case of an APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE\* of the land that is a partnership, corporation, or trust, such successive breakdown must include a listing and further breakdown of all of its partners, of its shareholders as required above, and of beneficiaries of any trusts. Such successive breakdown must also include breakdowns of any partnership, corporation, or trust owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER or LESSEE\* of the land. Limited liability companies and real estate investment trusts and their equivalents are treated as corporations, with members being deemed the equivalent of shareholders; managing members shall also be listed.* Use footnote numbers to designate partnerships or corporations, which have further listings on an attachment page, and reference the same footnote numbers on the attachment page.

Application No.(s): SP 2009 - BR - 103  
(county-assigned application number(s), to be entered by County Staff)

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: 8/26/2009 105792  
(enter date affidavit is notarized)

1(c). The following constitutes a listing\*\*\* of all of the **PARTNERS**, both **GENERAL** and **LIMITED**, in any partnership disclosed in this affidavit:

**PARTNERSHIP INFORMATION**

**PARTNERSHIP NAME & ADDRESS:** (enter complete name, number, street, city, state, and zip code)

(check if applicable)  The above-listed partnership has no limited partners.

**NAMES AND TITLE OF THE PARTNERS** (enter first name, middle initial, last name, and title, e.g. **General Partner, Limited Partner, or General and Limited Partner**)

N/A

(check if applicable)  There is more partnership information and Par. 1(c) is continued on a "Special Permit/Variance Attachment to Par. 1(c)" form.

\*\*\* All listings which include partnerships, corporations, or trusts, to include the names of beneficiaries, must be broken down successively until: (a) only individual persons are listed or (b) the listing for a corporation having more than 10 shareholders has no shareholder owning 10% or more of any class of stock. *In the case of an APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE\* of the land that is a partnership, corporation, or trust, such successive breakdown must include a listing and further breakdown of all of its partners, of its shareholders as required above, and of beneficiaries of any trusts. Such successive breakdown must also include breakdowns of any partnership, corporation, or trust owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE\* of the land. Limited liability companies and real estate investment trusts and their equivalents are treated as corporations, with members being deemed the equivalent of shareholders; managing members shall also be listed.* Use footnote numbers to designate partnerships or corporations, which have further listings on an attachment page, and reference the same footnote numbers on the attachment page.

Application No.(s): SP 2009 - BR - 103  
(county-assigned application number(s), to be entered by County Staff)

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: 8/26/2009  
(enter date affidavit is notarized)

105792

1(d). One of the following boxes must be checked:

In addition to the names listed in Paragraphs 1(a), 1(b), and 1(c) above, the following is a listing of any and all other individuals who own in the aggregate (directly and as a shareholder, partner, and beneficiary of a trust) 10% or more of the **APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE\*** of the land:

Other than the names listed in Paragraphs 1(a), 1(b), and 1(c) above, no individual owns in the aggregate (directly and as a shareholder, partner, and beneficiary of a trust) 10% or more of the **APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE\*** of the land.

2. That no member of the Fairfax County Board of Zoning Appeals, Planning Commission, or any member of his or her immediate household owns or has any financial interest in the subject land either individually, by ownership of stock in a corporation owning such land, or through an interest in a partnership owning such land.

**EXCEPT AS FOLLOWS:** (NOTE: If answer is none, enter "NONE" on the line below.)

None

(check if applicable)  There are more interests to be listed and Par. 2 is continued on a "Special Permit/Variance Attachment to Par. 2" form.

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: 8/26/2009 105792  
(enter date affidavit is notarized)

3. That within the twelve-month period prior to the public hearing of this application, no member of the Fairfax County Board of Zoning Appeals, Planning Commission, or any member of his or her immediate household, either directly or by way of partnership in which any of them is a partner, employee, agent, or attorney, or through a partner of any of them, or through a corporation in which any of them is an officer, director, employee, agent, or attorney or holds 10% or more of the outstanding bonds or shares of stock of a particular class, has, or has had any business or financial relationship, other than any ordinary depositor or customer relationship with or by a retail establishment, public utility, or bank, including any gift or donation having a value of more than \$100, singularly or in the aggregate, with any of those listed in Par. 1 above.

EXCEPT AS FOLLOWS: (NOTE: If answer is none, enter "NONE" on line below.)

none

(NOTE: Business or financial relationships of the type described in this paragraph that arise after the filing of this application and before each public hearing must be disclosed prior to the public hearings. See Par. 4 below.)

(check if applicable) [ ] There are more disclosures to be listed and Par. 3 is continued on a "Special Permit/Variance Attachment to Par. 3" form.

4. That the information contained in this affidavit is complete, that all partnerships, corporations, and trusts owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE\* of the land have been listed and broken down, and that prior to each and every public hearing on this matter, I will reexamine this affidavit and provide any changed or supplemental information, including business or financial relationships of the type described in Paragraph 3 above, that arise on or after the date of this application.

WITNESS the following signature:

(check one)

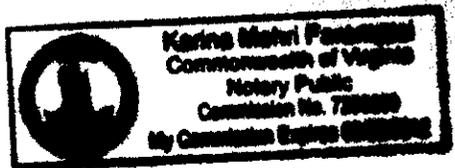
Karl J. Stiller Carol Q. Stiller Carol Q. Stiller  
 Applicant [ ] Applicant's Authorized Agent

Karl J. Stiller applicant/owner Carol Q. Stiller applicant/owner  
(type or print first name, middle initial, last name, and title of signer)

Subscribed and sworn to before me this 26<sup>th</sup> day of August 2009, in the State/Comm. of Fairfax, County/City of Virginia.

Karina Furr  
Notary Public

My commission expires: 2/29/2012



August 16, 2009

Fairfax County Department of Planning and Zoning  
12055 Government Center Parkway  
Fairfax, VA 22035  
Attn: Special Permit & Variance Branch  
RE: Statement of justification

RECEIVED  
Department of Planning & Zoning

AUG 27 2009

Zoning Evaluation Division

To Whom It May Concern:

We respectfully request approval of our special permit application for a reduction of certain yard requirements for our residence, 10714 John Turley Place, Fairfax, Virginia, 22032. Our home was built in 1981 in the Middleridge subdivision on lot number 365 and the lot is 8500 square feet. We request permission to replace the current backyard deck (12' X 18', 216 sq. ft.) with a new covered wooden porch (16' X 19.5', 312 sq. ft.) and deck (16' X 5.5', 88 sq. ft.), beginning at the Northeast corner of the house. Our plat is zoned R-3 cluster in the Braddock District and the rear yard setback is 25 feet from the back lot line. We respectfully seek approval of a special permit for a reduction of certain yard requirements to permit construction of a screened porch and deck in the back yard extending 16 feet from the house and 18.9 feet from the northeast back lot line.

*This proposed porch and deck structure will be subordinate and harmonious in terms of location, height, bulk and scale of the principal structure:* the existing height of the house next to the current deck is 24.7' and the proposed screened porch height is 22.0'. The proposed floor area ratio is 0.35 (see survey for details). The roof for the proposed screened porch will have the same pitch as the existing roof and will have matching shingles as the house in order to be harmonious with the architecture of the existing structure and that of the neighborhood. We intend our deck and screened porch to be constructed similarly to others found throughout our neighborhood – made of wood with charcoal colored screens. We estimate there will be no traffic impact because this deck and screened porch will be a private area in our fenced backyard. As there are no stairs, access to the deck and screened porch will only be from inside our house. We do not intend to use any petroleum based products or any hazardous or toxic substances with the construction or maintenance of the deck and screened porch. We do not have an accessory structure in the front yard.

*This proposed porch and deck structure will be harmonious in terms of location, height, bulk and scale to the surrounding off-site uses and structures:* Our property abuts 2 lots (lots 366 and lots 364). Due to the backyard location and existing vegetation, the current deck is fully visible only to 4 lots (lots 366, 364, 362, and 361) and therefore the visual impact of the new structure is expected to be similarly limited to those 4 lots. A largely obscured view of our current deck can be seen from enclosed porches on lots 368, 367, and 360. The new structure will not create an adverse impact on the adjacent properties since screened porches and decks of similar size are common in our subdivision and immediate area (i.e. lots 363, 368, and 375). The new structure will impact the value of the home by increasing the value and use and it will improve the appearance of the backyard because it will be new and in excellent condition.

The current deck is approximately 30 years old, is in very poor condition, and needs to be replaced soon. We intend to spend more time during the day and early evenings on the new deck and covered porch. The screen will protect us from the bugs and the roof will provide shade during sunny days. The proposed structure is creating the minimum reduction necessary to accommodate the size of our family and occasional dinner guests, in addition to being a comfortable area in the morning to drink coffee, read the paper, enjoy our backyard in a mosquito-free environment, and grade school work. The proportions of the proposed structure provide for the minimum reduction necessary to complement the existing proportions and aesthetics of the existing house and surrounding properties. The size of the current deck is inadequate for the size of our family and our desired uses and we hope you will quickly approve this special permit request.

If you have any questions or concerns, please feel free to contact us at any time at 703-278-1023 or [kcstiller@cox.net](mailto:kcstiller@cox.net). Thank you for your time and consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Karl and Carol Stiller". The signature is written in a cursive, flowing style.

Karl and Carol Stiller  
10714 John Turley Place  
Fairfax, VA 22032  
703/278-1023

**8-006****General Standards**

In addition to the specific standards set forth hereinafter with regard to particular special permit uses, all special permit uses shall satisfy the following general standards:

1. The proposed use at the specified location shall be in harmony with the adopted comprehensive plan.
2. The proposed use shall be in harmony with the general purpose and intent of the applicable zoning district regulations.
3. The proposed use shall be such that it will be harmonious with and will not adversely affect the use or development of neighboring properties in accordance with the applicable zoning district regulations and the adopted comprehensive plan. The location, size and height of buildings, structures, walls and fences, and the nature and extent of screening, buffering and landscaping shall be such that the use will not hinder or discourage the appropriate development and use of adjacent or nearby land and/or buildings or impair the value thereof.
4. The proposed use shall be such that pedestrian and vehicular traffic associated with such use will not be hazardous or conflict with the existing and anticipated traffic in the neighborhood.
5. In addition to the standards which may be set forth in this Article for a particular group or use, the BZA shall require landscaping and screening in accordance with the provisions of Article 13.
6. Open space shall be provided in an amount equivalent to that specified for the zoning district in which the proposed use is located.
7. Adequate utility, drainage, parking, loading and other necessary facilities to serve the proposed use shall be provided. Parking and loading requirements shall be in accordance with the provisions of Article 11.
8. Signs shall be regulated by the provisions of Article 12; however, the BZA, under the authority presented in Sect. 007 below, may impose more strict requirements for a given use than those set forth in this Ordinance.

**8-903****Standards for all Group 9 Uses**

In addition to the general standards set forth in Sect. 006 above, all Group 9 special permit uses shall satisfy the following standards:

1. All uses shall comply with the lot size and bulk regulations of the zoning district in which located, except as may be qualified below.
2. All uses shall comply with the performance standards specified for the zoning district in which located.

3. Before establishment, all uses, including modifications or alterations to existing uses, shall be subject to the provisions of Article 17, Site Plans, or other appropriate submission as determined by the Director.

#### **8-922 Provisions for Reduction of Certain Yard Requirements**

The BZA may approve a special permit to allow a reduction of certain yard requirements subject to all of the following:

1. Only the following yard requirements shall be subject to such special permit:
  - A. Minimum required yards, as specified in the residential, commercial, industrial and planned development districts in Articles 3, 4, 5 and 6, provided such yards are not subject to proffered conditions or development conditions related to yards and/or such yards are not depicted on an approved conceptual development plan, final development plan, development plan, special exception plat, special permit plat or variance plat.
  - B. Yard regulations for pipestem lots and lots contiguous to pipestem driveways set forth in Sect. 2-416.
  - C. Accessory structure location requirements set forth in Sect. 10-104.
  - D. Regulations on permitted extensions into a minimum required yard as set forth in Sect. 2-412.

Approval of a reduction of yard requirements specified in Paragraphs A, B and C above shall not result in any yard that is less than fifty (50) percent of the requirement and shall not result in any yard of less than five (5) feet, as measured from the lot line to the closest point of the proposed structure.

Approval of a reduction of yard requirements specified in Par. D above shall not result in an extension that exceeds the applicable distances set forth in Sect. 2-412 by more than fifty (50) percent. Where no extension is permitted by the provisions of Sect. 2-412, the BZA shall not approve a special permit that results in a structure that extends into a minimum required yard by more than fifty (50) percent.

2. Such reduction shall not result in the placement of a detached accessory structure in a front yard where the placement of such accessory structure is not otherwise permitted in that yard.
3. This special permit shall only apply to those lots that contain a principal structure and use that complied with the minimum yard requirements in effect when the use or structure was established.
4. The resulting gross floor area of an addition to an existing principal structure may be up to 150 percent of the total gross floor area of the principal structure that existed at the time of the first expansion request. The resulting gross

floor area of any subsequent addition is limited to 150 percent of the gross floor area of the dwelling that existed at the time of the first expansion request, regardless of whether such addition complies with the minimum yard requirements or is the subject of a subsequent yard reduction special permit. If a portion of a single family detached dwelling is to be removed, no more than fifty (50) percent of the gross floor area of the existing dwelling at the time of the first yard reduction shall be removed. Notwithstanding the definition of gross floor area, as set forth in this Ordinance, the gross floor area of a single family dwelling for the purpose of this paragraph shall be deemed to include the floor area of any attached garage.

5. The resulting gross floor area of an existing accessory structure and any addition to it shall be clearly subordinate in purpose, scale, use and intent to the principal structure on the site.
6. The BZA shall determine that the proposed development will be in character with the existing on-site development in terms of the location, height, bulk and scale of the existing structure(s) on the lot.
7. The BZA shall determine that the proposed development is harmonious with the surrounding off-site uses and structures in terms of location, height, bulk and scale of surrounding structures, topography, existing vegetation and the preservation of significant trees as determined by the Director.
8. The BZA shall determine that the proposed development shall not adversely impact the use and/or enjoyment of any adjacent property with regard to issues such as noise, light, air, safety, erosion, and stormwater runoff.
9. The BZA shall determine that the proposed reduction represents the minimum amount of reduction necessary to accommodate the proposed structure on the lot. Specific factors to be considered include, but are not limited to, the layout of the existing structure; availability of alternate locations for the addition; orientation of the structure(s) on the lot; shape of the lot and the associated yard designations on the lot; environmental characteristics of the site, including presence of steep slopes, floodplains and/or Resource Protection Areas; preservation of existing vegetation and significant trees as determined by the Director; location of a well and/or septic field; location of easements; and/or preservation of historic resources.